

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
APRIL 5, 2005  
7:00 P.M.**

**ROLLCALL** Answering rollcall were Members Housh, Masica, Swenson and Mayor Hovland.

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Housh and seconded by Member Swenson approving the Council Consent Agenda as presented with the exception of Agenda Item III. D., P90 Carbines, Ammunition and Accessories, Agenda Item E. Commodities Purchase, Sand, Rock, Bituminous Materials, Concrete & Engine Oil, and Water Treatment Chemicals, and Agenda Item F. Valley View Road Lighting - Contract 05-1, Improvement No. L-42.

Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**RECOGNITION OF TDM EFFORTS BY UNITED PROPERTIES AT CENTENNIAL LAKES OFFICE PARK NOTED** Melissa Madison, of 494 Commuter Services thanked the City for the great partnership in promoting alternatives to the drive alone commute as well as membership in the 494 Corridor Commission.

Mayor Hovland presented an award to United Properties at Centennial Lakes Office Park for its exceptional commitment to reducing traffic congestion by promoting commuting alternatives. In 2004 they won the prestigious "Commuter Choice Award" from the Metropolitan Council for outstanding promotion of reducing drive alone commutes.

Dave VanHattam, of 494 Commuter Services, explained the Earth Day, April 22, Commuter Challenge Roundtable which will be held from 7:45 - 9:30 A.M. at the Best Buy Corporate Campus, 7601 Penn Avenue in Richfield. He presented a video suggesting Travel Demand Management via "Van Go".

**\*MINUTES OF THE REGULAR MEETING OF MARCH 1, 2005, AND MARCH 15, 2005, AND SPECIAL MEETINGS OF MARCH 8, MARCH 14, AND MARCH 15, 2005, APPROVED** Motion made by Member Housh and seconded by Member Swenson, approving the Minutes of the Regular Meeting of the Edina City Council for March 1, 2005, and March 15, 2005, and Special Meetings of March 8, March 14, and March 15, 2005.

Motion carried on rollcall vote - four ayes.

**\*HEARING DATE OF APRIL 19, 2005, FOR PLANNING MATTERS** Motion made by Member Housh and seconded by Member Swenson setting April 18, 2005, for hearing date for planning matters as follows:

1. Amendment to the Zoning Ordinance and Conditional Use Permit Final Approval. Haugland Companies. 3901 - 3907 West 50<sup>th</sup> Street and 5000 - 5020 France Avenue South - Retail and Residential Redevelopment.
2. Preliminary Plat Approval. The Blake School and City of Hopkins. West of Blake Road/North of Belmore Lane.

3. Final Rezoning and Final Plat Approval. Mark Jones/Pukwana Townhomes LLC – 5125 49<sup>th</sup> Street West – Townhouse Development.
4. Conditional Use Permit – City of Edina and Independent School District 283. Edina Community Center and Southview Campus. Generally located east of Highway 100, west of Concord Avenue and south of Southview Lane – Construction of Gyms.
5. Conditional Use Permit – Good Samaritan Church – 5730 Grove Street – Church Expansion.

Motion carried on rollcall vote – four ayes.

**\*RESOLUTION NO. 2005-27 LOT DIVISION FOR PARTY WALL AT 6016 – 6020 BERNE CIRCLE APPROVED** Member Housh introduced the following resolution, seconded by Member Swenson and moved its adoption:

**RESOLUTION NO. 2005-27  
APPROVING A LOT DIVISION FOR  
6016 – 6020 BERNE CIRCLE**

**WHEREAS, the following described properties are at present one tract of land:**

**Lot 3, Block 1, DECKAS ADDITION, Hennepin County, Minnesota.**

**WHEREAS, the owner has requested the subdivision of said tract into separate parcels (herein called “parcels”), described as follows:**

**PARCEL 1:**

**Lot 3, Block 1, Hennepin County, Minnesota, lying northerly of the following described line:**

**Commencing at that part of Lot 3 lying Southwesterly of a line described as running from a point in the West line of said Lot 3 distant 107.0 feet North of the Southwest corner thereof, to a point in the Southeasterly line 31.5 feet Northeasterly from the most Southeasterly corner of said Lot 3, as measured along said Southeasterly line all in Block 1, DECKAS ADDITION.**

**PARCEL 2:**

**Lot 3, Block 1, Hennepin County, Minnesota, lying southerly of the following described line:**

**Commencing at that part of Lot 3 lying Southwesterly of a line described as running from a point in the West line of said Lot 3 distant 107.0 feet North of the Southwest corner thereof, to a point in the Southeasterly line 31.5 feet Northeasterly from the most southeasterly corner of said Lot 3 as measured along said Southeasterly line all in Block 1, DECKAS ADDITION.**

**WHEREAS, the requested subdivision is authorized under Code Section 810 and it has been determined that compliance with the Subdivision and Zoning Regulations of the City of Edina will create an unnecessary hardship and said newly created Parcels as separate tracts of land do not interfere with the Subdivision and Zoning Regulations as contained in the Edina City Code Sections 810 and 850;**

**NOW, THEREFORE, it is hereby resolved by the City Council of the City of Edina that the conveyance and ownership of the above described tracts of land (PARCEL 1 and PARCEL 2) as separate tracts of land are hereby approved and the requirements and provisions of Code Sections 850 and 810 are hereby waived to allow said division and conveyance thereof as**

separate tracts of land but only to the extent permitted under Code Sections 810 and 850 subject to the limitations set out in Code Section 850 and said Ordinances are now waived for any other purpose or as to any other provisions thereof, and further subject, however, to the provision that no further subdivision be made of said Parcels unless made in compliance with the pertinent Ordinances of the City of Edina.

**Adopted this 5<sup>th</sup> day of April, 2005.**

Motion carried on rollcall vote – four ayes.

**UPDATE GIVEN ON WALLINGFORD PROPERTIES** Planner Larsen reminded the Council that a rezoning of the Wallingford Properties at 5101 West 70<sup>th</sup> Street had been approved on July 20, 2004. This would have allowed development of the site with a 106-unit development. The plans approved illustrated a 74-unit rental building and a 32-unit condominium building. There were two owners of the property Tony and Vasco Bernardi. Mr. Larsen said that Tony planned to build the condos while Vasco's plan was to build the 74-unit apartment side of the project. Since approval was granted Tony Bernardi has sold his portion of the property and Vasco has, based upon a market study decided that his 74-unit luxury apartments would not be feasible. Mr. Larsen introduced Vasco Bernardi to make his request of the Council in person.

Vasco Bernardi, owner of 5105 West 70<sup>th</sup> Street requested the Council allow him to redesign the interior of his portion of the building making each unit smaller and increasing the number of units to 84 with at least 20 percent of the units becoming affordable housing. In order to accomplish this Mr. Bernardi explained he would need the City of Edina to assist him with Tax Increment Financing. Mr. Bernardi introduced Wally Johnson of Stonebridge Companies in Apple Valley and Todd Young of KKE Architects who reviewed in detail for the Council the proposal Mr. Bernardi was making. In addition, Dennis Nichols, the purchaser of Tony Bernardi's property, explained his intention for his portion of the property. After discussing with the proponent's alternative proposal the Council declined to take any further action on this property.

**\*BID AWARDED FOR KOJETIN PARK PLAYGROUND EQUIPMENT** Motion made by Member Housh and seconded by Member Swenson for award of bid for Playground Equipment for Kojetin Park to recommended low bidder, Koolmo Construction, Inc., at \$107,815.00.

Motion carried on rollcall vote - four ayes.

**\*BID AWARDED FOR JACOBSEN HR-9016 ROTARY MOWER FOR PARK MAINTENANCE DEPARTMENT** Motion made by Member Housh and seconded by Member Swenson for award of bid for a Jacobsen HR-9016 Rotary Mower for the Park Maintenance Department to recommended bidder, Carlson Tractor Company under State Contract #434108 at \$52,609.00.

Motion carried on rollcall vote – four ayes.

**\*BID AWARDED FOR ¾ TON PICK-UP TRUCK - FOR PARK MAINTENANCE DEPARTMENT** Motion made by Member Housh and seconded by Member Swenson for award of bid for one ¾ ton pick-up truck for the Park Maintenance Department to recommended bidder, Thane Hawkins Polar Chevrolet under State Bid Contract #433478, at \$18,404.90.

Motion carried on rollcall vote – four ayes.

**AWARD OF BID FOR ELEVEN P-90 CARBINES, AMMUNITION AND ACCESSORIES FOR POLICE DEPARTMENT** Member Masica asked that the award of bid for eleven P-90 Carbines, Ammunition and Accessories be removed from the Consent Agenda for further information. She questioned whether the purchase price of the Carbines was covered totally by the private donor. Chief Siitari said yes.

**Motion made by Member Masica and seconded by Member Swenson for award of bid for eleven P-90 Carbines, Accessories and Ammunition to recommended sole bidder, Streichers Police Equipment at \$42,550.00.**

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**BID AWARDED FOR COMMODITIES - SAND, ROCK, BITUMINOUS MATERIALS, CONCRETE AND ENGINE OIL, AND WATER TREATMENT CHEMICALS** Member Masica asked that the bid award for commodities for sand, rock, bituminous materials, concrete and engine oil and water treatment chemicals be removed from the consent agenda for further information. She questioned why there was an alternate award of bid for asphalt for 2005. Mr. Houle explained asphalt was a hot mix and if the designated bidder was not available when the mix was needed, the alternate bidder was called upon to supply the hot mix asphalt.

Member Masica made a motion approving the award of bid for sand, rock, bituminous materials, concrete, engine oil and water treatment chemicals for period April 1, 2005 to March 31, 2006, to recommended bidders as follows: Coarse Sand (delivered) to SA-AG at \$6.45 per ton; CL2.Limestone (delivered) to Midwest Asphalt (recycled material) at \$10.50 per ton; CL2.Limestone (delivered) (alternate bid) to Bryan Rock (new material) at \$11.60 per ton; FA-2 Seal Coat Chips (delivered) to Dresser Trap Rock at \$28.80 per ton; \*Asphalt 2331 Base Type 31 or 32 (delivered) to Midwest Asphalt at \$32.60 per ton or (picked up at plant) to Midwest Asphalt at \$27.60 per ton; \*Asphalt 2331 Base Type 31 or 32 (alternate bid) to Bituminous Roadways (delivered) at \$35.00 per ton or to Bituminous Roadways (picked up at plant) at \$27.50 per ton; \*Asphalt 2331 Base Type 41 or 42 (delivered) to Midwest Asphalt at \$33.75 per ton or to Midwest Asphalt (picked up at plant) at \$28.75 per ton; \*Asphalt 2331 Base Type 41 or 42 (alternate bid) to Bituminous Roadways (delivered) at \$37.00 per ton or Bituminous Roadways (picked up at plant) at \$29.50 per ton; \*Asphalt 2331 Wear Type 41 or 42 to Midwest Asphalt (delivered) at \$32.75 per ton or Midwest Asphalt (picked up at plant) at \$27.75 per ton; \*Asphalt 2331 Wear type 41 or 42 (delivered) to Bituminous Roadways at \$35.50; \*Asphalt 2331 Wear Type 41 or 42 (picked up at plant) to Bituminous Roadways at \$28.00; \*Asphalt 2331 Wear Type 31 or 32 (delivered) to Midwest Asphalt at \$33.50 per ton or to Midwest Asphalt (picked up at Plant) \$28.50 per ton; \*Asphalt 2331 Wear Type 31 or 32 (alternate bid) to Bituminous Roadways (delivered) at \$37.00 per ton and to Bituminous Roadways (picked up at plant) at \$29.50 per ton; Asphalt 2360 to Midwest Asphalt (delivered) at \$33.75 per ton or to Midwest Asphalt (picked up at plant) at \$28.75 per ton; Asphalt 2360 (alternate bid) to Commercial Asphalt (picked up at plant) at \$33.40 per ton; Concrete 3+ yards (delivered) to Agg. Ind./Eagan at \$80.65 CY; Emulsified Asphalt CRS2 to Marathon Ashland at 0.7390 per gallon; Emulsified Tack Oil to Bituminous Roadways at \$26.00 per gallon; Crack Joint Sealer to Bargaen at \$0.332 per pound; Hydrofluosilicic Acid to DPC Industries at \$9.03 per 55 gallon drum; Hydrofluosilicic Acid to DPC Industries at \$9.03 per 140 gallon drum; Liquid Chlorine to DPC Industries at \$36.20 CWT; Water Treatment Chemical (Poly) to DPC Industries at \$4.35 per gallon; Caustic Soda to DPC Industries at \$28.06 per CWT; Manhole Covers (complete casting) to Ess Brothers & Sons, Inc. at \$764.00 each; Red Ball Aggregate to Bryan Rock at \$15.72 per ton; Lannon Stone Wall Repair to Bjork Stone at \$16.25 per SF.

(\*These items are awarded on basis of total cost per ton including trucking and labor, and past year's performance.) Member Housh seconded the motion

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**AWARD OF BID FOR VALLEY VIEW ROAD LIGHTING - CONTRACT 05-1, IMPROVEMENT NO. L-42** Member Masica asked that the award of bid for Valley View Road Lighting be removed from the Consent Agenda for further information. She asked about the funding of the Valley View Road lighting Contract 05-01 (Improvement No. L042). Mr. Houle responded that funding was between Municipal State Aid System funds and special assessments.

**Member Masica made a motion approving the award of bid for the Valley View Road Lighting, Contract 05-1, Improvement No. L-42 to recommended low bidder LPD Electric, Inc., at \$97,160.00.**

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**TRANSPORTATION COMMISSION TRAFFIC POLICY ADOPTED** Assistant City Engineer Lillehaug reminded the Council that a public hearing was held on March 1, 2005, to take public comment on the final draft of the Transportation Commission Policy. Following the public hearing two work sessions were held with the City Council and the Transportation Commission and a revised version of the final draft has been completed.

Council Comments:

Member Masica asked for clarification of the role of the Traffic Safety Committee as opposed to the Transportation Commission within the process. She further inquired if residents can still make requests through the Traffic Safety Committee. Traffic Engineer Lillehaug said two processes exist; 1) Traffic Safety honors requests for signs, etc. and of which staff follows strict guideline warrant analysis, and 2) Traffic calming requests would be considered by the Transportation Commission. Residents should be made aware that to avoid any confusion, requests should begin with staff or the engineering department.

Member Masica questioned whether 'parking' and 'pedestrian/bicycle' policies now located in two sections could be integrated. Mr. Hughes responded that the guidance from the workshop was the Transportation plan quoted verbatim. Member Housh pointed out the statement (page 4), 'In addition to the policies contained in the Transportation Plan, the Edina Transportation Commission has adopted the following policies:' He added that the Comprehensive Plan was being maintained with the additional comments augmenting the plan. Member Swenson said in order to keep the plans separate, the Council made the decision to do it in this manner. Mayor Hovland said a method of integration to simplify the ability to use the policy should be sought. Council consensus was to **Bold** the introductory statement of the policy section.

Ms. Masica questioned whether #6 on page 3 (Providing access.....rather than the existing access at the sites) meant to change classifications to suit re-development. Mr. Lillehaug said it addresses safety issues with access to a site which follows MnDOT's guidelines regarding access control. Ms. Masica questioned #8 on Page 5 and asked if a strategy had been developed for structuring. Mr. Lillehaug responded presently the Planning Commission reviews any land use changes and it has not been decided how to include the Transportation Commission in initiating the review process for land use changes. Mayor Hovland suggested a change on page 5 #8 to

Minutes/Edina City Council/April 5, 2005

read, "When requested by the Planning Commission, review land use that may impact traffic implementations. Continue to monitor adjacent community redevelopment and other activity that potentially impacts the City of Edina".

Member Masica questioned why the Action Plan on page #6 was still in the document. Mr. Lillehaug said it was important for the Action Plan to remain in the document presently. Member Masica made a correction in paragraph 6, that should read, "Steps (c) through (e)".

Mayor Hovland noted typographical errors in the document that required changes.

Joni Kelly-Bennett, voiced concern and noted a clarification on page A-2, adding in the Impacted Area portion, the words....."and businesses" along local, etc.

Member Housh complimented the finished produce and said the long, arduous process has produced a viable, working document.

Member Masica said the policy was a good, solid starting point. She thanked the Commission for their tireless effort.

Mayor Hovland said he believes a collective effort brings forth a better product and he voiced his pleasure with the product.

**Member Housh made a motion adopting the City of Edina Transportation Commission Policy dated April 2005, as amended.** Member Masica seconded the motion.

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**\*RESOLUTION NO. 2005-23, ADOPTED APPOINTING CHERYL L. ENGELMAN AND GORDON HUGHES AS AGENTS OF THE COMMUNITY HEALTH BOARD** Member Housh introduced the following resolution seconded by Member Swenson and moved its adoption:

**RESOLUTION NO. 2005-23**

**APPROVING APPOINTMENT OF CHERYL L. ENGELMAN  
AND GORDON HUGHES AS AGENTS OF THE  
COMMUNITY HEALTH BOARD**

**BE IT RESOLVED** by the City Council (Community Health Board) of the City of Edina, Minnesota, pursuant to its authority under Minnesota Statutes, Chapter 145A, that it hereby appoints and authorizes the following persons to act on the Boards behalf and bind the Board for the following purposes:

To serve as the Board's agent in communicating with the Commissioner of Health between Board meetings, including receiving information from the Commissioner and disseminating that information to the Board, as well as providing information to the Commissioner on the Board's behalf (Minn. Stat. 145A.04, Subd. 2).

NAME:	Cheryl L. Engelman
ADDRESS:	4801 West 50 <sup>th</sup> Street
	Edina, MN 55424-1394
PHONE:	952-826-0464
FAX:	952-826-0390

To sign and submit to the Commissioner the prepared Community Health Plan and revisions to the plan, and activity reports submitted according to Minn. Stat. 145A-10, Subd. 5, 6, and 8:

NAME: Cheryl L. Engelman

To sign and submit to the Commissioner the Board's annual budget, revisions to the budget and expenditure reports submitted according to Minn. Stat 145. A.10, Subd. 6 and 8.

NAME: Cheryl L. Engelman

To sign and submit on behalf of the Board, delegation agreements with the Commissioner of Health according to Minn. Stat. 145A.07, Subd. 1.

NAME: Gordon L. Hughes

ADDRESS: 4801 West 50<sup>th</sup> Street  
Edina, MN 55424-1394

PHONE: 952-826-0401

FAX: 952-826-0390

Adopted this 5<sup>th</sup> day of April 2005.

Motion carried on rollcall vote – four ayes.

**BOARDS/COMMISSIONS/COMMITTEES TERM LIMITS ADOPTED** Manager Hughes indicated that a report on the appointment dates for existing members of the City's Boards, Commissions and Committees as requested by the Council had been provided in the packet.

Member Swenson said she computed the average term limits for each Board, Commission and Committee with a resulting average of 9.3 years of service. She inquired about the lengthy terms for members of the Construction Board of Appeals. Mr. Hughes responded that they meet very infrequently and members have a background in the construction trades. Member Swenson noted that terms on the Park Board were questioned but the computed average was at 4.0 years of service. She suggested if Boards have a turnover of members the Chair of the Board should also be changed.

Member Masica made suggestions as follows:

1. Term limits set for six years with a one year moratorium before having the ability to re-apply;
2. Members limited to one board/commission/committee membership;
3. Term limits may be extended if no qualified applicant applies;
4. Terms must be staggered; and
5. Term for Chair set at one term or three years.

Member Masica suggested if it was a requirement of a board that a member of another board serve on the board, that term limit would not be taken into consideration.

Member Housh suggested that term limits be set for nine years rather than six, allowing more of a chance to serve as Chair after learning about the board/commission/committee.

Member Swenson concurred with term limits being set at nine years. She added that rules should not be changed for individual members.

Member Housh said in order to implement the policy, members who have served nine years could be asked to not seek re-appointment or the process could be started now.

## Minutes/Edina City Council/April 5, 2005

Member Swenson suggested the Chair of a respective board/commission/committee be appointed for one term.

Mr. Hughes noted that currently members are serving staggered terms. If a member's term were at nine years or over they would serve until the end of their current term.

Mary Jo Strom, 4520 Andover Road, suggested that the terms be limited to six years with the expectation that they would be up to speed on the board/commission/committee within six months.

Member Housh noted personally that he, while serving on the Park Board and currently on the Council, has found that six months was not adequate to "get up to speed". He added that serving a full calendar year was what was most beneficial with a learning curve.

Former Mayor Van Valkenburg indicated that acquiring replacements on the Art Center Board was not simple. He suggested examining the function of the boards/commissions/committees and considers the advice of 'seasoned' members over the newly appointed ones. Mr. Van Valkenburg said he does not favor term limits.

Chris Rofidal, 5037 West 56<sup>th</sup> Street, said he would support term limits of either six or nine years. He stated he has applied to serve on a board/commission/committee and believes new members keep up the viability of the boards.

Martha Rice, 4501 Lakeview Drive, said that experience was valued but new vitality was extremely important on the boards.

Following a Council discussion, **Member Masica made a motion approving term limits on City Boards/Commissions/Committees as follows;**

- 1. Term limits would be nine years with one intervening year before a person was eligible for reappointment;**
- 2. An individual who now exceeds the term limit may finish their current term but are not eligible for reappointment;**
- 3. One membership per person except for mandated cross representation;**
- 4. Council may waive the term if no new qualified individual has applied; and**
- 5. Recommendation to each Board/Commission/Committee that no one individual serve more than three consecutive years as chair.**

Member Housh seconded the motion.

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**GUIDELINES FOR PUBLIC HEARINGS ADOPTED** Mr. Hughes reminded the Council that he had been directed to prepare background information about establishing more formal procedures for public hearings. A thorough review of this topic was recently undertaken by the City of Eden Prairie. Minnesota cities as well as jurisdictions outside of the state were included in the survey.

Although the Edina City Council has not adopted formal written policies concerning hearings, informal guidelines are included in the "Welcome to a Meeting of the Edina City Council" brochure, which was provided to meeting attendees. The brochure includes the following guidelines:



- You may speak at hearings provided your comments are relevant to the discussion.
- When addressing the Council, stand at the podium and begin your presentation by stating your name and address.
- Present petitions, letters or printed material to the Clerk prior to beginning your presentation.
- Please refrain from applause or other unnecessary disturbances.
- After all have spoken, the Council will close the hearing.

Three things that were commonly used by other jurisdictions include:

1. A time limit for speakers, which may be extended if an individual was speaking on behalf of a group whose individual members will not be testifying
2. No individual may speak a second time until everyone has had an opportunity to speak for the first time, and
3. "Encouragement" that individuals refrain from unduly repeating previous testimony by others, Based on Eden Prairie's research, the most common rule imposed by other jurisdictions was a time limit for speakers. Some jurisdictions, such as the Edina Public Schools, ask that individuals sign up in advance if they wish to address the Council or Board.

Mr. Hughes said it would be appropriate for the Council to discuss protocols with respect to the "Concerns of Residents" portion of the agenda. Some individuals have used this portion of the agenda to conduct a de facto public hearing on a particular issue. Some cities have successfully adopted a more informal approach to receiving resident concerns. Under such a system, "Concerns of Residents" would be removed from the agenda and would be considered by the Council prior to the start of the regular, televised meeting, maybe at 6:30 P.M. Residents wishing to bring a concern to the Council would sign up in advance if possible. Residents would be given a limited period of time to present their issue. "Concerns of Residents" would end promptly at 7:00 P.M. with the start of the regular Council meeting.

Mayor Hovland suggested "Guidelines" for participation in public hearings as follows:

- It was suggested a speaker should limit their presentation to five (5) minutes or less; and
- It was suggested a speaker on behalf of a group should limit their presentation to ten (10) minutes or less.

The Mayor or presiding officer may have the discretion to modify presentation times.

If a resident wishes to speak they should:

- Present petitions, letters or printed material to the Clerk prior to the beginning of their presentation;
- Stand at the podium and begin the presentation stating their name/address;
- Direct presentation to whole Council;
- Try not to repeat remarks or points of view made by prior speakers;
- Limit comments to the topic under consideration; and
- Allow all speakers a chance to be heard before speaking a second time.

Residents in the audience at a public hearing should:

- Avoid signs, clapping, cheering, booing or any other form of verbal or non-verbal communication are not allowed in order to maintain a comfortable environment; and
- Avoid comment during Council or Board deliberations unless requested by the Mayor or presiding officer asking for more information.

Following a Council discussion, **Member Housh made a motion approving the Public Hearing Guidelines as presented and modified.** Member Masica seconded the motion.

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**CONCERNS OF RESIDENTS** Mayor Hovland inquired whether the Council would consider an one/half hour session at 6:30 PM prior to the regularly scheduled Council meetings for residents to voice concerns. Following a brief discussion, Council consensus was to maintain the meeting agenda as usual with "Concerns of Residents" in its designated location and allowing residents a televised forum before the Council.

No formal Council action was taken.

**\*DATE SET OF JULY 12, 2005, FOR 40<sup>TH</sup> ANNUAL BRAEMAR INSPECTION TOUR** Motion made by Member Housh and seconded by Member Swenson approving July 12, 2005, as the date for the 40<sup>th</sup> Annual Braemar Inspection Tour.

Motion carried on rollcall vote – four ayes.

**IKASU SUSHI BAR AND LOUNGE - ON SALE AND SUNDAY SALE INTOXICATING LIQUOR LICENSES APPROVED** Mr. Hughes explained Yang Companies LLC, dba/Ikasu Sushi Bar and Lounge applied for their liquor license on March 25, 2005. All necessary applications were filed and applicable fees paid. Staff and Chief Siitari have completed their review. Staff notified the management that their license expired on March 31, and currently they are not serving liquor until the Council approves their renewal application. Staff recommends approval of the licenses and will submit necessary documentation to the State on behalf of Ikasu.

Member Masica asked for background on the February 2005 incident where underage consumption was noted. Mr. Siitari indicated a walk-thru was done by the Police Department with the discovery of three underage drinkers. They were charged, as well as the owner who attempted to obstruct the legal process. He noted that one incident does not indicate non-renewal of the license.

Mr. Yang, co-owner of Ikasu, elaborated that his brother thought the walk-thru by the Police was more extensive than he believed necessary and therefore he became involved.

**Member Swenson made a motion approving the On-Sale Intoxicating and Sunday Sale Liquor License renewals for Ikasu Sushi Bar and Lounge.** Member Housh seconded the motion.

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**IKASU SUSHI BAR AND LOUNGE - DANCE PERMIT APPROVED** Chief Siitari indicated that Ikasu Sushi Bar and Lounge has held a dance permit since September 2003. They have applied for a renewal of the permit. The City has received no problems related to the dance. The application requests a permit for Monday through Sunday, 9:00 PM to 1:00 AM that was different from their original request of 10:00 PM to 1:00 AM. Ikasu has held only a few dances within the last year. Mr. Siitari recommended approval of the permit conditioned upon security personnel, approved by the Chief of Police, must be on duty when Ikasu operates as a dance club. This condition was authorized by City Code Section 200.06, Police Protection.

Member Housh made a motion to renew the Ikasu Sushi Bar and Lounge Public Dance Permit for one year conditioned upon security personnel approved by the Chief of Police, being on duty when Ikasu operates a dance club. Member Swenson seconded the motion.

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**\*REPLACEMENT WETLANDS DECLARATION APPROVED FOR BRAEMAR GOLF COURSE 17<sup>TH</sup> TEE** Motion made by Member Housh and seconded by Member Swenson approving the Replacement Wetlands Declaration Agreement, Consent to Replacement Wetland, and Affidavit of Landowner as required by the Minnesota Wetland Conservation Act of 1991 and directed by the Nine Mile Creek Watershed District, c/o Barr Engineering Company.

Motion carried on rollcall vote – four ayes.

**\*RESOLUTION NO. 2005-25 - RECEIVING FEASIBILITY REPORTS: ROADWAY IMPROVEMENT PROJECTS: NO. A-216 - SCHAEFER ROAD; NO.A-217 - SCHAEFER CIRCLE; NO. BA-328 - WEST 58<sup>TH</sup> STREET APPROVED** Member Housh introduced the following resolution, seconded by Member Swenson and moved approval:

RESOLUTION NO. 2005-25

ACCEPTING FEASIBILITY REPORTS FOR  
SCHAEFER ROAD IMPROVEMENT NO. A-216,  
SCHAEFER CIRCLE IMPROVEMENT NO. A-217 AND  
WEST 58<sup>TH</sup> STREET IMPROVEMENT NO. BA-328

WHEREAS, it is proposed to improve the Schaefer Road, Schaefer Circle, West 58<sup>th</sup> Street neighborhood streets and to assess the benefited properties for all or a portion of the cost of said Improvements No. A-216, A-217, and BA-328 pursuant to Minnesota Statutes, Chapter 429; and

WHEREAS, the Edina City Engineer has prepared a feasibility report for Schaefer Road - A-216, Schaefer Circle - A-217, and West 58<sup>th</sup> Street - BA-328;

WHEREAS, the reports provide information regarding whether proposed projects are cost effective and feasible.

NOW, THEREFORE, BE IT RESOLVED that the Edina City Council hereby receives the feasibility reports for Improvements No. A-216, A-217, and BA-328.

Passed and adopted this 5<sup>th</sup> day of April 2005.

Motion carried on rollcall vote – four ayes.

**\*RESOLUTION NO. 2005-26 - SETTING HEARING DATE OF MAY 3, 2005, FOR ROADWAY IMPROVEMENT PROJECTS: NO. BA-312 - BRIDGE LANE AND TOWNES ROAD; AND NO. BA-329 - SHANNON DRIVE** Motion made by Member Housh and seconded by Member Swenson introducing Resolution No. 2005-26 and moving its approval:

RESOLUTION NO. 2005-26

SET PUBLIC HEARING DATE OF MAY 3, 2005, FOR  
ROADWAY IMPROVEMENT NO. BA-312  
BRIDGE LANE AND TOWNES ROAD AND  
ROADWAY IMPROVEMENT NO. BA-329  
SHANNON DRIVE

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EDINA, MINNESOTA, that a public hearing shall be held on the 3<sup>rd</sup> day of May, 2005, in the Council Chambers at City Hall at 7:00 P.M. to consider Improvement No. BA-312 for roadway

improvements consisting of Bridge Lane west of Townes Road and Townes Road between West 48<sup>th</sup> Street and Bridge Lane and Improvement No. BA-329 consisting of Shannon Drive between Dewey Hill Road and Kemrich Drive.

BE IT FURTHER RESOLVED that the City Clerk shall give mailed and published notice of such hearing and improvements as required by law.

Adopted this 5<sup>th</sup> day of April 2005.

Motion carried on rollcall vote – four ayes.

**\*CONFIRMATION OF CLAIMS PAID** Member Housh made a motion and Member Swenson seconded the motion approving payment of the following claims as shown in detail on the Check Register dated March 16, 2005, and consisting of 25 pages: General Fund \$210,150.93; Communications Fund \$6,394.75; Working Capital Fund \$15,324.39; Construction Fund \$23,102.23; Art Center Fund \$29.95; Golf Dome Fund \$2,596.20; Aquatic Center Fund \$199.41; Golf Course Fund \$15,843.22; Ice Arena Fund \$3,945.51; Edinborough/Centennial Lakes Fund \$7,158.85; Liquor Fund \$152,158.18; Utility Fund \$100,474.38; Storm Sewer Fund \$8,280.68; Recycling Fund \$405.00; PSTF Fund \$31,566.10; TOTAL \$577,629.78; and for approval of payment of claims dated March 23, 2005, and consisting of 33 pages: General Fund \$1,025,049.07; Communications Fund \$7,404.54; Working Capital Fund \$121,936.95; Art Center Fund \$24,916.74; Golf Dome Fund \$1,193.52; Aquatic Center Fund \$199.41; Golf Course Fund \$31,424.25; Ice Arena Fund \$361.89; Edinborough/Centennial Lakes Fund \$8,599.29; Liquor Fund \$114,796.71; Utility Fund \$316,966.84; PSTF Agency Fund \$93.04; TOTAL \$1,652,942.25 and for approval of payment of claims dated March 30, 2005, and consisting of 27 pages: General Fund \$525,649.19; Communications Fund \$12,538.98; Working Capital Fund \$3,842.56; Art Center Fund \$5,973.47; Golf Dome Fund \$10,227.79; Aquatic Center Fund \$223.77; Golf Course Fund \$24,093.23; Ice Arena Fund \$3,660.04; Edinborough/Centennial Lakes Fund \$14,731.22; Liquor Fund \$128,062.03; Utility Fund \$22,164.42; Storm Sewer Fund \$1,978.17; Recycling Fund \$20.23; PSTF Agency Fund \$4,196.68; TOTAL \$757,361.78.

Motion carried on rollcall vote – four ayes.

**RESOLUTION NO. 2005-24 APPROVING ISSUANCE OF REVENUE BONDS BY CITY OF MINNEAPOLIS ON BEHALF OF FAIRVIEW HEALTH SERVICES** Attorney Gilligan indicated a proposal from Fairview Health Services (“Fairview”) has been received requesting the City to consent to the issuance by the City of Minneapolis of tax-exempt revenue bonds under Minnesota Statutes, Section 469.152 to 469.165 to finance a remodeling project at Fairview Southdale Hospital and to refund bonds previously issued by the Minnesota Agricultural and Economic Development Board in 1997 and 2000, a portion of proceeds of which financed improvements at Fairview Southdale. Following a public hearing, he recommended the council approve the issuance of the bonds by the City of Minneapolis and issue a resolution approving the issuance of the bonds by the City of Minneapolis.

Member Housh inquired whether he should recuse himself from the discussion and final motion because he serves as a volunteer on the Board of Directors of Fairview Southdale. Attorney Gilligan advised Mr. Housh he had no conflict and could fully participate in the discussion and voting.

Member Masica asked what was the total dollar amount of the bond issue. Mr. Gilligan responded it was approximately \$490 million of all the Fairview bonds from Minneapolis. The Edina portion for remodeling would be approximately \$35 million with the refunding portion at

approximately \$20 or \$25 million. Proposed projects are for Fairview Hospitals in Red Wing, Hibbing, Princeton and Wyoming and Minneapolis.

Brent William, Vice President of Finance for Fairview Southdale Hospital, said the main use of the funding for Fairview Southdale would be to update/upgrade peri-operative services as well as to acquire 32 additional beds. No changes will be apparent on the building exterior.

**Member Swenson made a motion closing the public hearing, seconded by Member Masica.**

Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**Member Masica introduced the following resolution and moved its approval:**

**RESOLUTON NO. 2005-24**

**APPROVING THE ISSUANCE OF BONDS BY THE CITY OF  
MINNEAPOLIS ON BEHALF OF FAIRVIEW HEALTH  
SERVICES UNDER THE MINNESOTA STATUTES, SECTIONS  
469.152 TO 469.165**

**BE IT RESOLVED** by the City Council of the City of Edina, Minnesota (the "City of Edina"), as follows:

**SECTION 1**

**Recitals and Findings**

1.1. This Council has received a proposal from Fairview Health Services, a Minnesota nonprofit corporation ("Fairview"), that the City of Edina authorize the City of Minneapolis, Minnesota (the "City of Minneapolis") to issue bonds under Minnesota Statutes, Sections 469.152 through 469.165 (the "Act") to finance the remodeling of portions of Fairview Southdale Hospital in the City, and the acquisition and installation of items of equipment therein (the "Project"), and to refund the Health Care System Revenue Bonds, Series 1997 (Fairview Hospital and Healthcare Services) and the Health Care System Revenue Bonds, Series 2000A (Fairview Health Services) of the Minnesota Agricultural and Economic Development Board (the "Refunding"), a portion of the proceeds of which were used finance improvements to Fairview Southdale Hospital and the acquisition and installation of items of equipment therein .

1.2. At a public hearing held on April 5, 2005, all parties who appeared at the hearing were given an opportunity to express their views with respect to the proposal to finance the Project and provide for the Refunding through the issuance of revenue bonds under the Act by the City of Minneapolis and interested persons were given the opportunity to submit written comments to the City Clerk before the time of the hearing.

**SECTION 2**

**Approvals**

2.1. The issuance of bonds by the City of Minneapolis, pursuant to the Act to finance the Project and provide fro the Refunding, is hereby consented to and approved. The terms of the bonds shall be as are approved by the Minneapolis City Council.

2.2. The Mayor and City Manager and other officers of the City of Edina are authorized and directed to furnish to Fairview, the City of Minneapolis and the attorneys rendering an opinion on the issuance of the bonds, certified copies of all proceedings and records of the City of Edina relating to the bonds and such other affidavits and certificates as may be required to show the facts relating to the legality and marketability of the bonds as such facts appear from the books and records in the officer's custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including

Minutes/Edina City Council/April 5, 2005

any heretofore furnished, shall constitute representations of the City of Edina as to the truth of all statements contained therein.

Adopted this 5th day of April, 2005. Member Swenson seconded the motion.

Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:55 P.M.

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City Clerk